

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE
WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF
NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 20058180

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y **Date:** Mar 28, 2005
 At the project site Y **Date:** Mar 28, 2005

PROJECT LOCATION INFORMATION:

State: CO

County: Boulder

Center coordinates of site by latitude & longitudinal coordinates: 40 03 09 105 04 53

Approximate size of site/property (including uplands & in acres): 300

Name of waterway or watershed: St. Vrain

SITE CONDITIONS: Rural Country

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands					x				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type) Irrigation ditches									x

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Approved X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

Non-tidal drainage or irrigation ditches excavated on dry land. Boulder and Weld County Ditch terminates in upland 200380105 Feb 24, 03 field verification, Lower Boulder Ditch terminates in upland 200180398 Jun 5, 01 field verification and Leyner Cottonwood Ditch terminates in upland 200480567 Oct 20, 04 field verification. Wetlands 1, 2, and 5 are neither adjacent to nor surface connected to waters of the U.S. They are surrounded by uplands with upland vegetation. Wetlands 3 and 4 are surface connected only to the non-jurisdictional Boulder and Weld County Ditch.